

BEFORE THE DEPARTMENT OF FISH, WILDLIFE AND PARKS  
OF THE STATE OF MONTANA

In the matter of the adoption of NEW ) CORRECTED NOTICE OF  
RULE I, II, and III regarding bodies of ) ADOPTION  
water identified as contaminated with )  
Eurasian watermilfoil )

TO: All Concerned Persons

1. On April 26, 2012, the Department Fish, Wildlife and Parks (department) published MAR Notice No. 12-376 pertaining to the public hearings on the proposed adoption of the above-stated rules at page 811 of the 2012 Montana Administrative Register, Issue Number 8. On July 12, 2012 the department published the notice of adoption at page 1347 of the 2012 Montana Administrative Register, Issue Number 13.

2. In response to comments the department revised NEW RULE II (12.5.702) to not allow either the commercial seining or the taking of bait animals for personal use from any contaminated waters listed in NEW RULE I (12.5.701). However, the word "taking" was not removed from the rule. The rule, as amended in corrected form, reads as follows, deleted matter interlined, new matter underlined:

12.5.702 RESTRICTIONS WITHIN IDENTIFIED CONTAMINATED BODIES OF WATER (1) The prohibitions of 80-7-1010, MCA apply to the bodies of water identified as contaminated in ARM 12.5.701 except:

(a) possession ~~and taking~~ of bait animals, dead or alive, is approved when allowed per fishing regulations;

(b) transportation of aquatic bait animals is approved from contaminated bodies of water in water from a noncontaminated source when allowed per fishing regulations; and

(c) transportation of live fish is approved from contaminated bodies of water in water from a noncontaminated source, when allowed per fishing regulations.

(2) Upon departure of a contaminated body of water all vessels and equipment, including bait buckets, must be free of Eurasian watermilfoil.

AUTH: 80-7-1007, MCA

IMP: 80-7-1010, MCA

/s/ Joe Maurier

Joe Maurier, Director

Department of Fish, Wildlife and Parks

/s/ Rebecca Jakes Dockter

Rebecca Jakes Dockter

Rule Reviewer

Certified to the Secretary of State July 16, 2012